IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 15632 of 2004

Between:

Smt.Medigam Ramadevi, W/o.Chinnabbi Reddy,
R/o.Kambhampadu Village, Peddarveedu Mandal, Prakasam Dist.

..... PETITIONER

AND

1 The Revenue Divisional officer, Markapur Prakasham Dist.
2 The M.R.O., Peddarveedu Mandal, Prakasham Dist.
3 Sri Venna Venkata Narayana Reddy, S/o.Nagi Reddy,
R/o.Kambhampadu village, Peddarveedu Mandal,
Prakashma Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate orders, direction or writ particularly one in the nature of writ of Mandamus declaring the proceedings bearing No.RCH/1114/2004 dt.9-7-2004 of the respondent No.1 in suspending the dealership as illegal, arbitrary, contrary to law and principles of natural justice and consecutively direct the respondents to continue the petitioner as fair shop dealer.

Counsel for the Petitioner:MR.K.ANOOP KUMAR

Counsel for the Respondent Nos 1&2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3: Mr.M.Ramalingeswara Reddy

The Court made the following :

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.15632 OF 2004

ORDER:

The petitioner was appointed as a fair price shop dealer for Kambhampadu Village, Peddarveedu Mandal, Prakasam District, in the year 1997. The 1st respondent suspended her authorization, through orders dated 09-7-2004, on the allegation that the petitioner is working as Anganwadi Teacher, and that her husband was working as Secretary of another village. There is a further allegation that the shop is being run in benami.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The short question in this writ petition is, whether the 1st respondent could have suspended the authorization of the petitioner, without conducting enquiry and without issuing any show cause notice. Under Clause 5(4) of the A.P. State Public Distribution System Control Order, 2001, the authorization of a dealership can be cancelled, or suspended, only after issuing a show cause notice and conducting enquiry. This Court held in number of cases that such an enquiry is not necessary, if

the suspension is ordered as a measure, pending enquiry.

A perusal of the impugned order discloses that the authorization of the petitioner is suspended as a measure of penalty. The order does not contemplate conducting of any enquiry. Therefore, it ought to have been preceded by show cause notice and enquiry. Since such steps were not taken, the impugned order cannot be sustained.

Hence, the writ petition is allowed, and the impugned order is set aside. It is, however, left open to the 1st respondent to pass appropriate orders in accordance with law. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.07-12-2004

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To

1 The Revenue Divisional officer, Markapur Prakasham Dist.
2 The M.R.O., Peddarveedu Mandal, Prakasham Dist.
3. 2 CCs to G.P. for Civil Supplies, High Court of A.P., High Court

Buildings, Hyderabad (OUT).

4. 2 C.D copies.